

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a John Lee Malvo)	INDICTMENT - CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY

ORDER

On October 23, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

The Commonwealth's motion to appoint Dr. Evan Nelson as a mental health expert to perform an evaluation on the defendant pursuant to Va. Code §19.2-264.3:1(F) is **granted**. The Court **ORDERED** the defendant to submit to an evaluation pursuant to Va. Code §19.2-168.1. The Court advised the defendant that a refusal to cooperate with Dr. Nelson could result in exclusion of the defendant's expert evidence regarding his mental health. The defendant agreed to cooperate with Dr. Nelson.

The Court **denied** the defendant's request for counsel to be present at Dr. Nelson's sessions with the defendant.

The Commonwealth agreed to notify the defendant if Dr. Nelson will be videotaping his sessions with the defendant.

The Defendant was remanded to the custody of the Sheriff.

Entered on October 24, 2003.

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JANE MARUM ROUSH
JUDGE DESIGNATE